

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)

HAWAIIAN TELCOM, INC. )

DOCKET NO. 2007-0063

For Waiver of the Number )  
Utilization Threshold Requirements )  
In the Honolulu Rate Center )  
\_\_\_\_\_ )

DECISION AND ORDER NO. 23498

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

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Karen Higashi  
Chief Clerk of the Commission

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Commission, State of Hawaii.

Karen Higashi

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DECISION AND ORDER

By this Decision and Order, the commission grants HAWAIIAN TELCOM, INC.'s ("Hawaiian Telcom") request for a waiver of the number utilization and months-to-exhaust ("MTE") requirements in the Honolulu rate center, and overturns the National Pooling Plan Administrator's ("Pooling Administrator") denial of Hawaiian Telcom's request for a new NXX in the Honolulu rate center.

I.

Background

Hawaiian Telcom is a Hawaii corporation engaged in the provision of varied telecommunications services to its customers and the general public within the State of Hawaii. It is an incumbent local exchange carrier, as contemplated by Section 252 of the federal Telecommunications Act of 1996.

On December 1, 2006, Hawaiian Telcom filed a request with the Pooling Administrator<sup>1</sup> for a new NXX in the Honolulu rate center. That day, on December 1, 2006, the Pooling Administrator denied Hawaiian Telcom's request on the ground that Hawaiian Telcom was unable to satisfy the requirement that it have a minimum utilization rate of 75% or have less than a six-month inventory of numbers for the requested rate center ("Number Utilization Requirements").

A.

Hawaiian Telcom's Request

On March 8, 2007, Hawaiian Telcom filed an application requesting a waiver of the Number Utilization Requirements. According to Hawaiian Telcom, it requires a new NXX to establish a Local Routing Number ("LRN")<sup>2</sup> for a new Hawaiian Telcom Internet Protocol ("IP") based switch that will be used to provide new IP

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<sup>1</sup>The Pooling Administrator and the North American Numbering Plan Administrator ("NANPA") administer the numbering resources in the United States. While the NANPA is generally responsible for central office code assignments, the Pooling Administrator focuses on the allocation and pooling of thousand-block numbers--both functions are provided by an organization named NeuStar, Inc. See In re MCImetro Access Transmission Services, Inc., Docket No. 04-0166, Decision and Order No. 21325, filed on August 27, 2004, ("Docket No. 04-0166") at 1, n.1.

<sup>2</sup>An LRN is a unique ten-digit telephone number that is used for routing calls between carrier networks to the assigned switch. According to Hawaiian Telcom, it is an industry requirement that an LRN is established using a new NXX since the carrier that opens the NXX becomes the code holder for the entire thousandths block.

based services to Hawaiian Telcom's customers ("Application").<sup>3</sup> In support of its request, Hawaiian Telcom represents that "[o]nly one thousandth block, where the LRN (ten-digit number) is assigned will be kept and the other nine thousandths blocks will be returned to the NeuStar Pooling Administrator for other carrier assignments."

B.

Consumer Advocate's Position

On April 4, 2007, the Consumer Advocate filed its Statement of Position informing the commission that it does not object to approval of Hawaiian Telcom's request for waiver of the Number Utilization Requirements ("CA Statement of Position"). According to the Consumer Advocate, Hawaiian Telcom has demonstrated a need for the new NXX in that the new NXX is probably needed to comply with the local number portability ("LNP") requirements of the Telecommunications Act of 1996. The Consumer Advocate asserts that compliance with the LNP requirements would promote competition in the State's telecommunications industry, and would thus be in the public interest. In addition, according to the Consumer Advocate, Hawaiian Telcom is not attempting to abuse the waiver process or hoard numbers; and a commission waiver would be consistent with similar waivers previously granted by the commission on a

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<sup>3</sup>Hawaiian Telcom served copies of the Application on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), an ex officio party to this docket pursuant to HRS § 269-51 and Hawaii Administrative Rules § 6-61-62.

case-by-case basis. Therefore, the Consumer Advocate does not oppose Hawaiian Telcom's request, provided that "only the one thousandth block, where the requested LRN (ten-digit number) is assigned, be retained by [Hawaiian Telcom], and all other numbering resources in the new NXX be returned by Hawaiian Telcom to the NeuStar Pooling Administrator."

## II.

### Discussion

The Federal Communications Commission has charged state commissions with the authority to affirm or overturn denials of number resources. Section 52.15(g)(4) of Title 47 of the Code of Federal Regulations states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.

47 C.F.R. § 52.15(g)(4) (2005) (emphasis added).

Here, the commission finds that Hawaiian Telcom has sufficiently demonstrated that it has a verifiable need for the

numbering resources and that it has exhausted all other remedies. Hawaiian Telcom requires a new NXX to establish an LRN for a new Hawaiian Telcom IP based switch that will be used to provide new IP based services to Hawaiian Telcom's customers. According to the Consumer Advocate, Hawaiian Telcom requires the new NXX to comply with the LNP requirements of the Telecommunications Act of 1996. In addition, all other NXXs previously assigned to Hawaiian Telecom are currently in use, i.e., numbers from those NXXs have been assigned to customers. And, given the Pooling Administrator's denial of Hawaiian Telcom's request for numbering resources, Hawaiian Telcom's request for commission review and reversal of the Pooling Administrator's decision is its only recourse.

Hawaiian Telcom, moreover, represents that it will only keep one thousandth block where the LRN is assigned and will return the other nine thousandths blocks to the Pooling Administrator for other carrier assignments, which mitigates any concern over "hoarding" of numbering resources.

Based on the foregoing, the commission concludes that Hawaiian Telcom's request for a waiver of the Number Utilization Requirements for the Honolulu rate center, as proposed in its Application, should be granted. As such, the Pooling Administrator's denial of Hawaiian Telcom's request for an NXX in the Honolulu rate center should be overturned; provided that only one thousandth block, where the requested LRN is assigned, be retained by Hawaiian Telcom, and all other numbering resources in

the new NXX be returned by Hawaiian Telcom to the Pooling Administrator.

### III.

#### Orders

##### THE COMMISSION ORDERS:

1. Hawaiian Telcom's request for a waiver of the Number Utilization Requirements is granted.
2. The Pooling Administrator's denial of Hawaiian Telcom's December 1, 2006 request for a new NXX in the Honolulu rate center is overturned; provided that only one thousandth block, where the requested LRN is assigned, is retained by Hawaiian Telcom, and all other numbering resources in the new NXX are returned by Hawaiian Telcom to the Pooling Administrator.
3. This docket is closed, unless otherwise ordered by the commission.

DONE at Honolulu, Hawaii JUN 19 2007.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By John E. Cole  
John E. Cole, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou  
Stacey Kawasaki Djou  
Commission Counsel

2007-0063.cp

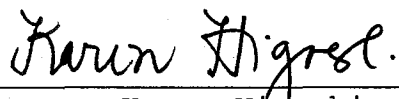


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23498 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: JUN 19 2007